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W.P. No. 33368 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.33368 of 2015

T.C.Ranjan

... Petitioner

Vs.

1. The Managing Director,
Chennai Metropolitan Water Supply and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, Chennai – 600 002.

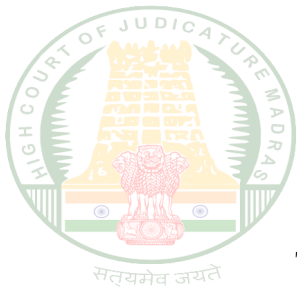
2. The General Manager / Vigilance Officer,
Chennai Metropolitan Water Supply and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, Chennai – 600 002.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the respondents in Proc.No.CMWSSB/P&A/VC/(A)/42083/2014, dated 01.06.2015 and quash the same and direct the respondents to disburse his service and pensioners benefits with penal interest from the date of filing the Writ till its realization, which deducted based on the above order.

For Petitioner : Mr.Mohammed Aseef

For Respondents : Mr.Krishna Ravindran



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ORDER

The brief facts that are relevant for disposal of the Writ Petition are

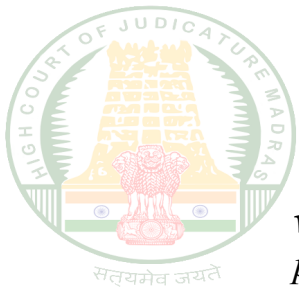
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as under:

The petitioner herein was subjected to disciplinary proceedings on the allegation that while he was working as Junior Engineer in the Respondent board in collusion with one of the subordinates viz., Thiru.M.C.Panneer Selvam, who was working as an electrical Pumpsman, indulged in corrupt practices and demanded bribe from one Thiru.K.M.Praballa Kumar. A raid was conducted by the Vigilance and Anti Corruption officials and thereby the said M.C.Panneer Selvam and the petitioner were arrested. The petitioner was also placed under suspension in view of the arrest made by the Vigilance and Anti Corruption officials. Thereafter on conducting detailed enquiry, the petitioner was exonerated from the Vigilance and Anti Corruption proceedings. However, disciplinary proceedings were initiated against the petitioner by issuing Charge memo dated 25.06.2011 containing three charges which reads as under:

Charge-1

Thiru T.C.Ranjan, Junior Engineer (under suspension) has induced his subordinate Thiru M.C.Panneerselvam, Electrical Pumpsman to demand bribe of Rs.25,000/- from the complainant Thiru K.M.Praballakumar, 22 Circular Road, Kodambakkam, Chennai-24 for providing separate



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water and sewerage connection for a portion of said premises. Thiru M.C.Panneerselvam, EPM has accepted Rs.15,000/- from the complainant. Thereby Thiru T.C.Ranjan, J.E. failed to maintain absolute integrity and devotion to duty.

His above act amounts to misconduct under Regulation 6(29) and 6(38) of CMWSS Board Employees (Discipline and Appeal) Regulations, 1978.

6(29)-"Taking or giving bribes or illegal gratification of any nature whatsoever.

6(38)- "Breaching the rule of integrity and devotion to duty"

Charge-2

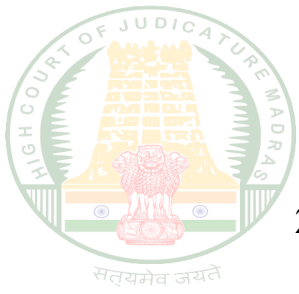
Thiru T.C.Ranjan, J.E.(under suspension) has allowed a private individual Thiru S.Ramamurthy to handle official documents who has also possessed the official seals of Chennai Metropolitan Water Supply and Sewerage Board. His above act attracts action under Board Regulation 6(23) of CMWSS Board Employees (Discipline and Appeal) Regulations, 1978.

6(23)-"Theft, fraud or dishonesty in connection with the Board's property or transactions.

Charge-3:

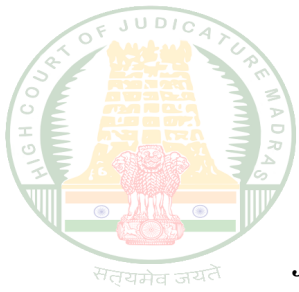
Thiru T.C.Ranjan,/J.E.(under suspension) has failed to control his subordinates from indulging corrupt practices which resulted in a Vigilance Trap case and thereby tarnished the image of the Board among the public which amounts to misconduct under Board Regulation 6(37) of CMWSS Board Employees (Discipline and Appeal) Regulations, 1978.

6(37) "Any other activity which in the opinion of the Board is a misconduct"



2. However after conducting a detailed enquiry into the above charges, Charge nos.1 and 2 were held not proved against the petitioner.

Insofar as the Charge no.3 is concerned, the same was held partially proved against the petitioner on the ground that the petitioner failed to control his subordinate from indulging corruption. Basing upon the said charge, the respondent Board by an order dated 27.10.2014 imposed a punishment of stoppage of increment for one year without cumulative effect and treated the period of suspension as the period spent on loss of pay. The said order came to be passed after the petitioner attaining the age of superannuation on 30.06.2013. The petitioner having been aggrieved by the said punishment imposed on 27.10.2014 preferred an appeal before the appellate authority and the said appeal was partly allowed vide an order dated 01.06.2015. The appellate authority while confirming the punishment of stoppage of increment for one year without cumulative effect, modified the order dated 27.10.2014 insofar as treating the period of suspension as loss of pay and directed the respondent board to treat the period of suspension as leave to which he is eligible. The operative portion of the order of the appellate authority reads as under:



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17. *The appeal petition of Thiru T.C.Ranjan, J.E.(Retired) with the recommendation of the Personnel Committee dated 13.04.2015, was placed before the Board on 21.04.2015. The Board took note of the details put forth in the Agenda and after detailed discussion decided:*

(i) To confirm the punishment of withholding of his increment for a period of one year without cumulative effective effect already awarded to him.

(ii) to modify the period of suspension (from 13.07.2009 to till the date of his retirement) which was treated as leave on loss of pay into "leave to which he is eligible", the amount of subsistence allowance already drawn, should be adjusted against the leave salary. The Board further decided that the excess of subsistence allowance if any should be waived in accordance with F.R. rule proviso to sub-rule (5) of rule 54, sub-rule (2) (ii) of rule 54-A and the proviso to sub-rule(7) of rule 54-B.

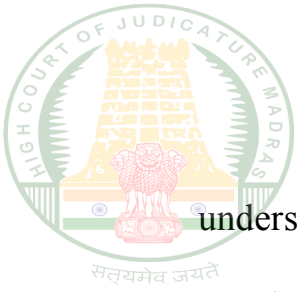
18. *Accordingly, the punishment of withholding of increment for a period of one year without cumulative effect already awarded to Thiru T.C.Ranjan, Jr. Engineer(Retired) is confirmed. The period of suspension (from 13.07.2009 to till 30.06.2013 (the date of retirement) was treated as leave on loss of pay is modified as "leave to which he is eligible", the amount of subsistence allowance already drawn, should be adjusted against the leave salary. The excess of subsistence allowance, if any, should be waived in accordance with F.R. rule proviso to sub-rule (5) of rule 54. sub-rule (2) (ii) of rule 54-A and the proviso to sub-rule(7) of rule 54-B.*

3. Aggrieved by the above said order, dated 01.06.2015 passed by the appellate authority, the petitioner approached this Court by filing the present Writ Petition.



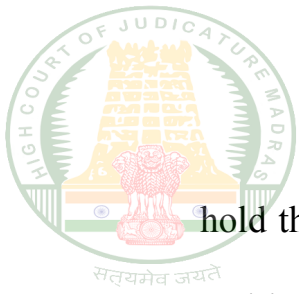
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4. From the perusal of the materials on record, it is evident that a trap was laid against the petitioner's subordinate by name M.C.Panneer Selvam, admittedly outside the office premises as well as out side the compound wall of the premises where the petitioner has been working. In the disciplinary proceedings, Charge nos.1 and 2 were held not proved and Charge no.3 was held partially proved against the petitioner. Hence, the petitioner was imposed with the punishment of stoppage of increment for one year without cumulative only on the ground that he failed to control his subordinate M.C.Panneer Selvam who demanded bribe and collected the same. As already noted above, a raid was conducted outside the office premises and not in the office premises or within the compound wall of the office premises where the petitioner has been working and therefore the petitioner herein can not be made liable for such acts committed by his subordinates. If there is any material to show that the petitioner has allowed his subordinate to commit such misconduct or irregularity within the office premises then the petitioner can be made liable. When the respondents themselves have come to the conclusion that the petitioner is noway involved in the transaction in which his subordinate was involved and exonerated the petitioner from charge nos.1 and 2, it is not



understandable as to on what basis the respondents have arrived at a conclusion that the Charge no.3 is partly proved. Thus the conclusions arrived at by the disciplinary authority as well as the appellate Authority are appears to be perverse in nature.

5. Be that as it may, the petitioner has availed the appellate remedy under the relevant rules before the appellate authority. However, the appellate authority while passing the impugned order dated 01.06.2015 simply extracted the contents of the charge memo, explanation of the petitioner, grounds raised by the petitioner in his appeal etc., in extenso, but instead considering the same by applying its mind, simply jumped to a conclusion and modified the punishment in the impugned order at paragraph nos.17 and 18 which are already extracted herein above. Thus from the impugned order, it appears that the appellate Authority is also convinced that the petitioner is no way involved in the transaction in which his subordinate was involved. However, instead of exonerating the petitioner in respect of Charge no.3 also, the appellate authority thought it fit to modify the said punishment. Once it is concluded that the petitioner is not involved in the transaction made by his subordinate, there is no basis for the disciplinary authority as well as the appellate authority to



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hold the charge no 3 as partly proved and the punishment imposed on the petitioner basing upon such erroneous conclusion cannot be sustained.

Further Charge no.3 also on the face of it, is vague.

6. In the light of the above, the impugned order cannot be sustained and accordingly, the order of punishment of stoppage of increment for one year without cumulative effect imposed on the petitioner, is set aside. This Writ Petition is accordingly allowed. No costs.

02.06.2025

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes / No
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MUMMINENI SUDHEER KUMAR,J.,

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